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UNITED STATES OF AMERICA
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11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 v.
16 JUAN CRISTOBAL IBARRA,
17 Defendant.
18
19

No. CR 2:25-00209-AH-2

[PROPOSED] PROTECTIVE ORDER
REGARDING DISCOVERY CONTAINING
PERSONAL IDENTIFYING INFORMATION,
PRIVACY ACT INFORMATION, AND
CONFIDENTIAL INFORMANT INFORMATION

20 The Court has read and considered the government's ex parte
21 application for a Protective Order Regarding Discovery Containing
22 Personal Identifying Information, Privacy Act Information, and
23 Confidential Informant Information, and defendant Juan Cristobal
24 Ibarra's objection.

25 FOR GOOD CAUSE SHOWN, the Court hereby FINDS AND ORDERS as
26 follows:

27 1. The government's discovery in this case relates to
28 defendants Victor Ricardo Garza Pulido and Juan Cristobal Ibarra's

1 alleged crimes, that is, violations of 21 U.S.C. §§ 841(a)(1),
2 (b)(1)(A)(viii): Distribution of Methamphetamine.

3 2. A protective order for the discovery is necessary so that
4 the government can produce to the defense materials regarding
5 confidential informants or cooperating witnesses who participated in
6 the government's investigation and who may testify at trial.
7 Because these materials could be used to identify the confidential
8 informants or cooperating witnesses, the Court finds that the
9 unauthorized dissemination or distribution of the materials may
10 compromise the ability of such persons to participate effectively in
11 future investigations in an undercover capacity and/or may expose
12 him/her to potential safety risks.

13 3. A protective order for the discovery is also necessary so
14 that the government can produce to the defense materials containing
15 third parties' PII. The Court finds that disclosure of this
16 information without limitation risks the privacy and security of the
17 information's legitimate owners. Because the government has an
18 ongoing obligation to protect third parties' PII, the government
19 cannot produce to defendant an unredacted set of discovery
20 containing this information without this Court entering the
21 Protective Order. Moreover, PII makes up a significant part of the
22 discovery in this case and such information itself, in many
23 instances, has evidentiary value. If the government were to attempt
24 to redact all this information in strict compliance with Federal
25 Rule of Criminal Procedure 49.1, the Central District of
26 California's Local Rules regarding redaction, and the Privacy Policy
27 of the United States Judicial Conference, the defense would receive
28 a set of discovery that would be highly confusing and difficult to

1 understand, and it would be challenging for defense counsel to
2 adequately evaluate the case, provide advice to defendant, or
3 prepare for trial.

4 4. An order is also necessary because the government intends
5 to produce to the defense materials that may contain information
6 within the scope of the Privacy Act, 5 U.S.C. § 552a ("Privacy Act
7 Information"). The Court finds that, to the extent that these
8 materials contain Privacy Act information, disclosure is authorized
9 pursuant to 5 U.S.C. § 552a(b)(11).

10 5. The purpose of this Protective Order is therefore to
11 (a) allow the government to comply with its discovery obligations
12 while protecting this sensitive information from unauthorized
13 dissemination, and (b) provide the defense with sufficient
14 information to adequately represent defendant.

15 6. Accordingly, the discovery that the government will
16 provide to defense counsel in the above-captioned case will be
17 subject to this Protective Order, as follows:

18 a. As used herein, "CI Materials" includes any
19 information relating to a confidential informant's or cooperating
20 witness's prior history of cooperation with law enforcement, prior
21 criminal history, statements, or any other information that could be
22 used to identify a confidential informant or cooperating witness,
23 such as a name, image, address, date of birth, or unique personal
24 identification number, such as a Social Security number, driver's
25 license number, account number, or telephone number.

26 b. As used herein, "PII Materials" includes any
27 information that can be used to identify a person, including a name,
28 address, date of birth, Social Security number, driver's license

1 number, telephone number, account number, email address, or personal
2 identification number.

3 c. "Confidential Information" refers to any document or
4 information containing: CI Materials or PII Materials that the
5 government produces to the defense pursuant to this Protective Order
6 and any copies thereof.

7 d. "Defense Team" includes (1) defendant's counsel of
8 record ("defense counsel"); (2) other attorneys at defense counsel's
9 law firm who may be consulted regarding case strategy in this case;
10 (3) defense investigators who are assisting defense counsel with
11 this case; (4) retained experts or potential experts; and
12 (5) paralegals, legal assistants, and other support staff to defense
13 counsel who are providing assistance on this case. The Defense Team
14 does not include defendant, defendant's family members, or any other
15 associates of defendant.

16 e. The government is authorized to provide defense
17 counsel with Confidential Information marked with the following
18 legend: "CONFIDENTIAL INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE
19 ORDER." The government may put that legend on the digital medium
20 (such as DVD or hard drive) or simply label a digital folder on the
21 digital medium to cover the content of that digital folder. The
22 government may also redact any PII contained in the production of
23 Confidential Information.

24 f. If defendant objects to a designation that material
25 contains Confidential Information, the parties shall meet and
26 confer. If the parties cannot reach an agreement regarding
27 defendant's objection, defendant may apply to this Court to have the
28 designation removed.

1 g. Defendant and the Defense Team shall use the
2 Confidential Information solely to prepare for any pretrial motions,
3 plea negotiations, trial, and sentencing hearing in this case, as
4 well as any appellate and post-conviction proceedings.

5 h. The Defense Team shall not permit anyone other than
6 the Defense Team to have possession of Confidential Information,
7 including defendant, while outside the presence of the Defense Team.

8 i. Notwithstanding the above, defendant may see and
9 review CI Materials only in the presence of defense counsel
10 (including other attorneys at counsel's law firm), defense
11 investigators, or defense paralegals, and such individuals shall
12 ensure that defendant is never left alone with any CI Materials. At
13 the conclusion of any meeting with defendant at which defendant is
14 permitted to view CI Materials, defendant must return any CI
15 Materials to defense counsel, investigators, or paralegals, who
16 shall take all such materials with them. Defendant may not take any
17 CI Materials out of the room in which defendant is meeting with
18 defense counsel, investigators, or paralegals. At no time, under no
19 circumstance, will any Confidential Information be left in the
20 possession, custody, or control of defendant, regardless of
21 defendant's custody status.

22 j. Defendant may review PII Materials only in the
23 presence of a member of the Defense Team, who shall ensure that
24 defendant is never left alone with any PII Materials. At the
25 conclusion of any meeting with defendant at which defendant is
26 permitted to view PII Materials, defendant must return any PII
27 Materials to the Defense Team, and the member of the Defense Team
28 present shall take all such materials with him or her. Defendant

1 may not take any PII Materials out of the room in which defendant is
2 meeting with the Defense Team.

3 k. Defendant may see and review Confidential Information
4 as permitted by this Protective Order, but defendant may not copy,
5 keep, maintain, or otherwise possess any Confidential Information in
6 this case at any time. Defendant also may not write down or
7 memorialize any data or information contained in the Confidential
8 Information.

9 l. The Defense Team may review Confidential Information
10 with a witness or potential witness in this case, including
11 defendant. Defense counsel must be present whenever any CI
12 Materials are being shown to a witness or potential witness. A
13 member of the Defense Team must be present if PII Materials are
14 being shown to a witness or potential witness. Before being shown
15 any portion of Confidential Information, however, any witness or
16 potential witness must be informed of, and agree in writing to be
17 bound by, the requirements of the Protective Order. No member of
18 the Defense Team shall permit a witness or potential witness to
19 retain Confidential Information or any notes generated from
20 Confidential Information.

21 m. The Defense Team shall maintain Confidential
22 Information safely and securely, and shall exercise reasonable care
23 in ensuring the confidentiality of those materials by (1) not
24 permitting anyone other than members of the Defense Team, defendant,
25 witnesses, and potential witnesses, as restricted above, to see
26 Confidential Information; (2) not divulging to anyone other than
27 members of the Defense Team, defendant, witnesses, and potential
28 witnesses, the contents of Confidential Information; and (3) not

1 permitting Confidential Information to be outside the Defense Team's
2 offices, homes, vehicles, or personal presence. CI Materials shall
3 not be left unattended in any vehicle.

4 n. To the extent that defendant, the Defense Team,
5 witnesses, or potential witnesses create notes that contain, in
6 whole or in part, Confidential Information, or to the extent that
7 copies are made for authorized use by members of the Defense Team,
8 such notes, copies, or reproductions become Confidential Information
9 subject to the Protective Order and must be handled in accordance
10 with the terms of the Protective Order.

11 o. The Defense Team shall use Confidential Information
12 only for the litigation of this matter and for no other purpose.
13 Litigation of this matter includes any appeal filed by defendant and
14 any motion filed by defendant pursuant to 28 U.S.C. § 2255. In the
15 event that a party needs to file Confidential Information with the
16 Court or divulge the contents of Confidential Information in court
17 filings, the filing should be made under seal. If the Court rejects
18 the request to file such information under seal, the party seeking
19 to file such information publicly shall provide advance written
20 notice to the other party to afford such party an opportunity to
21 object or otherwise respond to such intention. If the other party
22 does not object to the proposed filing, the party seeking to file
23 such information shall redact any CI Materials or PII Materials and
24 make all reasonable attempts to limit the divulging of CI Materials
25 or PII Materials.

26 p. Any Confidential Information inadvertently produced
27 in the course of discovery prior to entry of the Protective Order
28 shall be subject to the terms of this Protective Order. If

1 Confidential Information was inadvertently produced prior to entry
2 of the Protective Order without being marked "CONFIDENTIAL
3 INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE ORDER," the government
4 shall reproduce the material with the correct designation and notify
5 defense counsel of the error. The Defense Team shall take immediate
6 steps to destroy the unmarked material, including any copies.

7 q. If any Confidential Information contains both CI
8 Materials and another category of Confidential Information, the
9 information shall be handled in accordance with the CI Materials
10 provisions of this Protective Order.

11 r. Confidential Information shall not be used by any
12 member of the defense team, in any way, in any other matter, absent
13 an order by this Court. All materials designated subject to the
14 Protective Order maintained in the Defense Team's files shall remain
15 subject to the Protective Order unless and until such order is
16 modified by this Court. Within 30 days of the conclusion of
17 appellate and post-conviction proceedings, defense counsel shall
18 return CI Materials to the government or certify that such materials
19 have been destroyed. Upon request of the government, within 30 days
20 of the conclusion of appellate and post-conviction proceedings,
21 defense counsel shall return all PII Materials, certify that such
22 materials have been destroyed, or certify that such materials are
23 being kept pursuant to the California Business and Professions Code
24 and the California Rules of Professional Conduct.

25 s. In the event that there is a substitution of counsel
26 prior to when such documents must be returned, new defense counsel
27 must be informed of, and agree in writing to be bound by, the
28 requirements of the Protective Order before defense counsel

1 transfers any Confidential Information to the new defense counsel.
2 New defense counsel's written agreement to be bound by the terms of
3 the Protective Order must be returned to the Assistant U.S. Attorney
4 assigned to the case. New defense counsel then will become the
5 Defense Team's custodian of materials designated subject to the
6 Protective Order and shall then become responsible, upon the
7 conclusion of appellate and post-conviction proceedings, for:
8 (1) returning to the government, certifying the destruction of, or
9 retaining pursuant to the California Business and Professions Code
10 and the California Rules of Professional Conduct all PII Materials;
11 and (2) returning to the government or certifying the destruction of
12 all CI Materials.

13 t. Defense counsel shall advise defendant and all
14 members of the Defense Team of their obligations under the
15 Protective Order and ensure their agreement to follow the Protective
16 Order, prior to providing defendant and members of the Defense Team
17 with access to any materials subject to the Protective Order.

18 IT IS SO ORDERED.

19
20 _____
DATE

20 _____
HONORABLE ANNE HWANG
UNITED STATES DISTRICT JUDGE